

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERNEST BENAVENTE,

Plaintiff,

vs.

CIV. NO. 1:21-cv-0235-SMV

**KILOLO KIJAKAZI,
Acting Commissioner of
Social Security,**

Defendant.

**ORDER ON DEFENDANT'S
UNOPPOSED MOTION TO REMAND FOR FURTHER ADMINISTRATIVE
PROCEEDINGS**

Defendant, the Acting Commissioner of Social Security (Commissioner), by and through her counsel, has filed an unopposed motion with this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the case to the Commissioner for further administrative proceedings (Doc. 23).

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this Court hereby REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a REMAND to the Commissioner for further administrative proceedings.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

¹ The Clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.

SIGNED: December 21, 2021

BY THE COURT:


HONORABLE STEPHAN M. VIDMAR
United States Magistrate Judge

SUBMITTED AND APPROVED BY:

Filed Electronically 12/17/21
MELISSA C. SCHUENEMANN
Special Assistant United States Attorney

Electronically approved 12/17/21
LAURA JOELLEN JOHNSON
Attorney for Plaintiff